

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Malachi Kilgore-Bey,

Civil No. 06-1346 JRT/FLN

Plaintiff,

v.

ORDER

Terrill Florcyk and Michelle Smith,

Defendants.

Malachi Kilgore-Bey, #205781 MCF, 970 Pickett Street North, Bayport, Minnesota 55003, plaintiff *pro-se*.

No appearance by defendants.

Based upon the Report and Recommendation by United States Magistrate Judge Franklin L. Noel dated May 17, 2006 (Docket No. 5), all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's application for leave to proceed *in forma pauperis* [#2] is DENIED;

and

2. This action is dismissed without prejudice.

DATED: August 7, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge